IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Crl.Rev.Pet.No. 1020 of 2000()

CC.458/1997 of JUDL.MAGISTRATE OF FIRST CLASS, PERAMBRA
.....

REVN. PETITIONER: COMPLAINANT

STATE OF KERALA, REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR

RESPONDENTS: RESPONDENTS/ ACCUSED
----

1. **VARATTADI SURA @ SURESH, S/O. GOPALAN. NOCHAD AMSOM, VELLIYOOR DESOM.**
2. **PARAKKANDI ASOKAN, S/O. GOPALAN, NECHOLI AMSOM, VALLOOR DESOM.**
3. **KOTTARAKKAL MADHU , S/O. BAKKOTTIL NOCHAD AMSOM, VELLIYOOR DESOM.**
4. **VELLARIYIL MANOJAN, S/O.MURALIYALAN, DO.**
5. **THALAPOYIL RADHAN @ RADHAKRISHNAN, S/O. KINHIKARANAVAR, KOTTUR AMSOM, PERAVACHERRY.**
6. **KOTTARAKKAL PRAKASHAN, S/O. CHEKKOTTIL, NOCHAD AMSOM, VELLIYOOR DESOM.**
7. **VADAKKETHALAKKAL BALAN, S/O. MAMBARU DO. DO.**
8. **KAKKADAKKAL UMMAR, S/O. KUNJAMMAD DO. DO.**
9. **CHOORALIL BALAN, S/O. KUNHIKRISHNAN, DO. DO.**

CRL.RP. NO.1020/2000

10. PURERY CHITAHAL VINODAN, S/O. IMPICHICHEKKAN, CHENILI AMSOM, VALLOOR DESOM.

11. PURERI THAZHA AJU, S/O. CHIRUTHAN, DO. DO.

12. VENNAPADI PAVITHRAN, S/O. UNNI. DO. DO.

13. KOMATH C.NARAYANAN VAIDYAN, S/O.UKKARAN NAIR DO. DO.

14. KURANGOD BABU, S/O. APPA NAIR, CHENILI AMSOM DESOM.

15. MATHAYODU CHITHAL SURESH, S/O. KUMARAN, NECHADAM AMSOM, DESOM.

16. PAYYANAKOTTUMMAL BALAN, S/O. KELAIYAN, CHENOLI AMSOM, DESOM.

17. ALLIYORA IMPICHALI, S/O. KUNJAMMED, CHENOLI AMSOM, CHERIVALOOR DESOM.

ADDL.RESPONDENT IMPLEADED.

18. NARAYANI, W/O. KUNHIRAMAN, AGED 55 YEARS, RESIDING AT KOLAKKATTIL HOUSE, VELLIYOOR DESOM, NOCHAD AMSOM, PERAMBRA.

Addl. R18 IS IMPLEADED AS PER ORDER DT. 21.2.2000 IN CRL.MP. NO.822/2000.

BY ADV. SRI.P.V.KUNHIKRISHNAN [DELAY]

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10 /08/2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.1020/2000

ORDER ON CRL. MP. 5487/2000 IN CRL.RP. 1020/2000

DISMISSED

10.08.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

tss

K.R. UDAYABHANU, J.

CRL.R.P.NO. 1020 OF 2000

DATED THIS THE 10TH AUGUST 2007

ORDER

The State has filed the revision petition seeking to set aside the order of the court below dismissing the application filed under Section 321 Cr.P.C. in C.C.No.458/1997 with respect to the offences under Sections 143,147, 148, 448, 323, 427 read with Section 149 I.P.C. The prosecution case is that the accused formed themselves into an unlawful assembly and trespassed into the house of one Narayani and assaulted her and family members, pelted stone against the house and destroyed utensils. Application of the Prosecutor seeking to withdraw was dismissed after hearing the de facto complainant. I find that the court below has not discussed the matter in detail. Considering the nature of the allegations, I find that it is not a fit case to invoke Section 321 Cr.P.C. Hence, I find that the court below has rightly dismissed the application. The Crl.revision petition is dismissed. The court below shall take up the matter and dispose of the case without delay. The matter will stand posted before the court below on 10-9-2007.

ks. **K.R.UDAYABHANU, JUDGE**

K.R.UDAYABHANU, J

CRL.A. 1020 OF 2000
ORDER

10-8-2000